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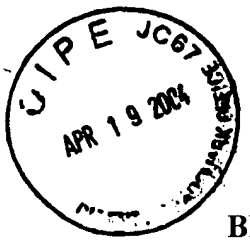

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

Cary Lane ROHWER

Appln. No.: 09/518,349

Confirmation No.: 5134

Filed: March 03, 2000

Docket No: A8648

Group Art Unit: 2153

Examiner: Anita CHOUDHARY

For: SERVER TIME WINDOW FOR MULTIPLE SELECTABLE SERVERS IN A GRAPHICAL USER INTERFACE

REPLY BRIEF PURSUANT TO 37 C.F.R. § 1.193(b)

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 1.193(b), Appellant respectfully submits this Reply Brief in response to the Examiner's Answer dated February 18, 2004. Entry of this Reply Brief is respectfully requested.

Procedural Sections

Appellant concurs as to the procedural statements in the sections entitled "Real Party in Interest," "Related Appeals and Interferences," "Status of Claims," "Status of Amendments After

Final," "Summary of Invention," "Issues," "Claims Appealed," and "Prior Art of Record" of the Examiner's Answer.[1]

Grounds of Rejection Section

The Examiner has repeated, almost *verbatim*, the rejections from the May 9, 2003 Final Office Action.

Response to Appellant's Arguments Section

In this Section, the Examiner has indicated that she has responded to Appellant's arguments by summarizing them and addressing them individually.

In order to maintain an organizational structure to allow the Board to more easily review Appellant's and Examiner's positions, Appellant has repeated the relevant section numbers from the Appeal Brief in this section.

Appeal Brief Section (VIII)(A) - Claims 1-4, 19-22 and 37-40 Are Patentable Over Any Reasonable Combination (If Any) of Sequeira, Bowman and Fu.

Appeal Brief Section (VIII)(A)(1) - Claims 1, 19 and 37

Regarding independent claims 1, 19, and 37, the Examiner first maintains her previous position that one of skill in the art at the time of the invention would have been motivated to modify *Sequeira* and/or *Bowman* with *Fu*.[2] More specifically, the Examiner alleges (see pg. 12) that:

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[1] With the exception of a minor typographical error in the indicated issue date of *Moskowitz et al.*, which should read May 13, 1997.

[2] Citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

> Fu points out the need to schedule events (e.g. Internet chat) across time zones with computers located in other parts of the world (col. 2 lines 8-29). One of ordinary skill would have recognized this scheduling modification to the scheduling system shown by Sequeira in view of Bowman. Although applicant points out that Fu does not connect to any other systems to retrieve these various times, it is not the Office's responsibility to teach how to bodily incorporate a secondary reference (Fu) into the structure of the primary reference (Sequeira in view of Bowman), but rather what the combination of references would suggest to those of ordinary skill in the art. In this case, one of ordinary skill would have recognized that a media server for scheduling operations to be performed could reside in a time zone different from the node inputting information. This concept is common when implementing scheduling between nodes around the world as shown by Fu.

Appellant respectfully submits that the Examiner has missed the focus of Appellant's argument.

First, it is clear that *Sequiera* discloses a system which allows a programmer to schedule the showing of events at specific times, and that there is no teaching or suggestion that *Sequiera* ever considers scheduling (or provides any ability to enable such scheduling) the showing of events in time zones different from that of the grid.

In contrast, *Fu* discloses an electronic appointment calendar interface, which shows both a local time entered by the user and a remote time calculated from the local time, which represents a time in a different time zone. *Fu* discloses that this information can be utilized by the user to schedule a meeting, conference call, or internet chat so that the user does not initiate the conference at an inappropriate time.

However, the considerations of *Fu*, (i.e., what time to schedule a meeting) are irrelevant to *Sequeira*. *Sequeira* sets a broadcast schedule, which end users may or may not watch. There is no need for two-way communication, such as in *Fu*. Thus, Appellant respectfully submits that

there is no need to add *Fu*'s features to *Sequeira* (nor has the Examiner defined any particular motivation to do so).

Additionally regarding independent claims 1, 19, and 37, the Examiner maintains her position that the alleged combination of *Sequeira*, *Bowman* and *Fu* somehow teaches or suggests "receiving information input by the user specifying a selected one of the media servers for scheduling operations to be performed" and "displaying graphical information indicative of a current local time at said selected media server."

Specifically, the Examiner alleges that

> Sequeira shows that a user can have multiple GUI's for scheduling at multiple respective media servers. The user specifies or selects one of a plurality of media servers by interacting with that particular media server's GUI. In one embodiment, multiple GUI's can be consolidated into a single master GUI, wherein details for each supported service are displayed as needed in order for user to select a particular media server that provides the service. Each service can have a specifically tailored data model for adding and manipulating events (see Sequeira col. 6 lines 41- col. 7 line 27, and fig. 3a-3c). Furthermore, Fu shows the displaying of graphical information indicative of a current time at a selected remote device (col. 5 lines 1-10). In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981), In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir 1986).

As an initial matter, the Examiner citation to In re Keller is inapplicable here. Although Appellant has discussed each of the applied references in turn, Appellant has shown that none of the references teach or suggest the various recited features. Accordingly, the alleged combination must also be deficient.

Regarding claim 1, 19 and 37's recitation of, at the node (or client), "receiving information input by the user specifying a selected one of the media servers for scheduling

operations to be performed," the Examiner's interpretation and comparison of this feature with the features of *Sequeira* is incorrect.

Specifically, Appellant respectfully submits that the Examiner has misinterpreted *Sequeira*. The portion of *Sequeira* cited by the Examiner discloses that individual GUIs can be provided for each *service* of *Sequeira*, not that there is a one-to-one relationship between any GUI and a particular server. In fact, there is no teaching or suggestion that these individual GUIs (or the collective GUI of the preferred embodiment)are capable of selecting any particular server. The secondary references (*Bowman* and *Fu*) are equally silent with respect to these features, as neither is particularly directed to any media operation.

Additionally, regarding claim 1, 19 and 37's recitation of "at said node, displaying graphical information indicative of a current local time at said selected media server," the Examiner's interpretation and comparison of this feature with the features of *Fu* is incorrect

Specifically, as discussed above, *Fu* indicates a local time, and then calculates a "remote time" to assist the user in determining appropriate times to call associates or schedule meetings in diverse time zones. However, *Fu* does not connect to any other system to retrieve these various times. Rather, *Fu* depends upon a user indication of both the local time, and what other time zone to display. Thus, *Fu* cannot indicate the local time at a server, rather, the user must interpret *Fu*'s data to determine such a time.

Appeal Brief Section (VIII)(A)(2) - Claims 3, 21 and 39

Regarding claims 3, 21, and 39, the Examiner maintains her position that the alleged combination of *Sequeira*, *Bowman* and *Fu* teaches or suggests that "said interface components include a source selection interface component enabling the user to select a source location by

browsing a list of available locations including predetermined mapped ones of the media servers and predetermined mapped ones of the memory devices."

Specifically, the Examiner alleges that *Sequeira* "shows a GUI allowing user to select a service corresponding to a media server having memory by browsing a list (plurality of service location in a one GUI) of location mapped to media sever data models (col. 7 lines 8-15)."

However, as discussed above, *Sequiera* only discloses that GUIs control various services, not that GUIs allow the selection of specific servers.

Further, the Examiner has not addressed Appellant's indication that *Sequeira* fails to teach or suggest that GUI 110 is capable of providing any list of various available servers 130, or various available storage devices 160, or even that the GUI 110 can tell the difference between servers 130 and storage devices 160. *Bowman* and *Fu* are equally silent with respect to these features.

Appeal Brief Section (VIII)(B) - Claims 5, 6, 23, 24, and 41 Are Patentable Over Any Reasonable Combination (If Any) of Sequeira, Bowman, Fu and Lindblad.

Appeal Brief Section (VIII)(B)(1) - Claims 5 and 23

Regarding Claims 5 and 23, the Examiner first maintains her position that one of skill in the art at the time of the invention would have somehow been motivated to modify *Sequeira* (with or without *Bowman* and *Fu*) with *Lindblad*.[3] More specifically, the Examiner alleges (see pg. 12) that:

> Sequeira does not only teach a scheduling system, Sequeira shows a scheduling system in order to view and supplement scheduled events

[3] Citing In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

> with video, audio, and animation multimedia (col. 2 lines 59-65). Given this, the teaching of Lindblad shows requested video streams displayed to a user over an applet of a multimedia document viewer such as a WWW browser. This modification makes it easier for a designer of a multimedia documents such as HTML pages to incorporate motion video in to HTML (see Lindblad col. 2 lines 34-42).

However, Appellant maintains that *Sequeira* provides a GUI 110 to set up a broadcasting schedule. There is no teaching or suggestion that any portion of *Sequeira*, and particularly GUI 110, is at all capable of displaying streaming video, such as that provided by applet 212 of *Lindblad*. Further, there is no need for such functionality, as *Sequeira* is a scheduling program, not a viewing program.

Additionally regarding independent claims 5 and 23, the Examiner maintains her position that the alleged combination of *Sequeira*, *Bowman, Fu* and *Lindblad* somehow teaches or suggests "transmitting an applet to the administrator terminal via the network; and executing said applet over the processing unit of the administrator terminal; whereby said graphical user interface is displayed within a browser window generated by said browser application on the display unit." Specifically, the Examiner alleges (see pg. 14-15):

> In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., applet is capable of any additional functionality, such as supporting the display of a GUI within a browser window) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F_2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In addition, Lindblad shows GUI is displayed within in a browser window on display unit (col. 7 lines 5-10).

Appellant respectfully submits that the Examiner's position is incorrect, as the arguments cited as "not recited" in the claims are directed toward the lack of motivation to combine the references as the Examiner alleges.

In contrast, Appellant actually argues that even the resultant combination fails to teach or suggest the above noted features because the applet 212 of *Lindblad* is only provided to retrieve multimedia files (e.g., streaming video). There is no teaching or suggestion in *Lindblad* that applet 212 is capable of any additional functionally, such as supporting the display of a GUI within a browser window.

Appeal Brief Section (VIII)(B)(2) - Claims 6, 24 and 41

Regarding claims 6, 24, and 41, the Examiner maintains that the alleged combination of *Sequeira, Bowman, Fu* and *Lindblad* teaches or suggests a media server performing "encoding operations for encoding media data received by selected ones of the media servers."

Specifically, the Examiner alleges that *Lindblad* "shows the encoding of media data from video server 250 (col. 8 lines 1-9, col. 6 lines 25-29)."

Looking at the portions of *Lindblad* cited by the Examiner, col. 8, lines 1-9, discloses:

> In the preferred embodiment of the present invention defined by Microfiche Appendix A, a module "loop" includes computer instructions of the C computer instruction language and defines a loop computer process which executes independently of multimedia document viewer 202 (FIG. 2). The loop computer process cooperates with multimedia document viewer 202 and decoder 204 to request and receive from video server 250 bit streams representing multicast motion video signals.

Clearly, this portion of *Lindblad* only discloses a "decoder 204." Appellant respectfully submits that a decoder is not an encoder.

Similarly, col. 6, lines 25-29, of *Lindblad* discloses:

> Encoding format field 310 (FIG. 3) specifies the particular encoding format, e.g., MPEG1SYS encoding format, of the bit stream received by decoder 204 (FIG. 2). Title field 312 (FIG. 3) specifies the particular title to be retrieved from server 250 (FIG. 2). Alternatively, title field 312 can specify the address of a multicast bit stream.

Again, clearly, this portion of *Lindblad* only discloses a "decoder 204," and a format field which specifies an encoding format (*i.e.*, a file type) that the decoder 204 receives. Again, Appellant respectfully submits that a decoder is not an encoder.

Thus, Appellant again emphasizes that *Lindblad* fails to teach or suggest any ability to encode. Further, as the Examiner seems to concede, *Sequeira*, *Bowman* and *Fu* are all silent with respect to any encoding of media data.

Accordingly, Appellant respectfully submits that this rejection is unsupported, and should be withdrawn.

Appeal Brief Section (VIII)(C) - Claims 7, 8, 25, 26, 42, and 43 Are Patentable Over Any Reasonable Combination (If Any) of Sequeira, Bowman, Fu and Moskowitz.

Appeal Brief Section (VIII)(C)(1) - Independent Claims 7, 25 and 42

Regarding independent claims 7, 25, and 42, the Examiner first maintains her previous position that one of skill in the art at the time of the invention would have somehow been motivated to further modify the alleged combination of *Sequeira*, *Bowman* and *Fu* with *Moskowitz*.[4] More specifically, the Examiner alleges (see pg. 15) that:

> In this case, Moskowitz shows a system analogous to Sequeira for requesting multimedia data from media server. Moskowitz shows the coping [sic] of data in portions to a subscriber (col. 4 lines 55-62). One of ordinary skill in the art would have realized the motivation to combine in order to allow user to choose what specific portions of multimedia data is to be viewed (see Moskowitz, col. 2 line 19-22).

However, Appellant respectfully submits that, despite the Examiner's allegations, the alleged motivation is entirely unsupported. As previously noted, *Sequiera* is directed to a

[4] Citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

centralized system that allows a user to schedule events for broadcasting to receiving parties (*i.e.*, a centrally controlled system), who merely receive whatever data is scheduled.

In contrast, *Moskowitz* is directed to multimedia on demand system (col. 1, lines 9-12), which allows an end user, who would be akin to the receiving party in *Sequiera*, to request media delivery, without waiting.

Thus, the systems are very different. One of skill looking to improve the centralized scheduling system of *Sequiera* would not look to an end-user based on-demand system such as that of *Moskowitz*, as these systems are directed to two different users located at two different points in the broadcast chain. In fact, the on-demand system of *Moskowitz* would make the scheduling system of *Sequiera* redundant and unnecessary, as on-demand systems have no need for a preset schedule.

Additionally regarding independent claims 7, 25, and 42, the Examiner also maintains her previous position that the alleged combination of *Sequeira*, *Bowman*, *Fu* and *Moskowitz* somehow teaches or suggests "determining a corresponding list of possible destination locations associated with said selected source location; and displaying a destination selection interface component enabling the user to select a destination location from said corresponding list of possible destination locations." The Examiner responds to Appellant's traversal arguments by taking the position that:

> In response to applicant's argument that if Moskowitz were implemented in Sequeira (page 26), the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference, nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

The Examiner has both misconstrued and partially ignored Appellant's argument.

First, Appellant argued that the Examiner's proposed combination fails to teach or suggest the features noted above because, if (assuming for the sake of argument) the disclosures of *Moskowitz* and *Sequiera* could somehow have been combined, the resultant system would necessarily provide two separate, parallel, systems. In other words, the resultant system would provide a GUI 110 for the user at the broadcast center according to *Sequeira*, and individual controls at terminals 4 for end users according to *Moskowitz*, as these systems are not focused on the same users. Thus, it cannot reasonably be argued that any further control would have been added to the *Sequeira* scheduling system.

It seems clear that this argument is not directed to bodily incorporation. Rather, it is directed to the most basic disclosures of *Moskowitz* as an end-user based system and *Sequiera* as a centralized system, and graphically illustrates the basic incompatibility of the two systems.

Further, the Examiner seems to have completely ignored Appellant's argument that *Moskowitz* is simply incapable of providing any ability for a user to select from multiple destination locations. Specifically, *Moskowitz* is not directed to such a feature, as its system is designed to deliver information requested by a particular user to a particular terminal associated with that user.

Appeal Brief Section (VIII)(C)(2) - Independent Claims 8, 26 and 43

Regarding claims 8, 26, and 43, the Examiner maintains her position that the alleged combination of *Sequeira*, *Bowman*, *Fu* and *Moskowitz* teaches or suggests "enabling the user to select a start time and a start date for a scheduled copying operation." The Examiner responds to Appellant's traversal arguments by taking the position that:

> In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references (Sequeira and Moskowitz)." Citing In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981), In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The Examiner's reply is incorrect, and fails to even cursorily address Appellant's traversal arguments. Specifically, Appellant argued that none of the applied references teach or suggest the feature noted above, and pointed out the deficiencies in each of the references, as follows:

(1) *Sequeira* is a broadcast scheduling system, not a system for manipulation of media assets, such as copying a media file from one location to another within a network. Thus, *Sequeira's* scheduling cannot provide a start or finish time for a copying operation;

(2) *Bowman* and *Fu* are silent with respect to these features (and are not applied in an effort to teach or suggest them); and

(3) *Moskowitz* fails to teach or suggest selecting any particular start time or date, because the *Moskowitz* system is directed to instantaneous video on demand, *i.e.,* there is no need for such advance scheduling.

Thus, it is clear that Appellant did point out that each of the applied references used in the Examiner's alleged combination are deficient with respect to the recited feature. It is easy to understand that if none of the applied references teach or suggest the recited feature, a combination of those references would also fail to teach or suggest that feature.

Appeal Brief Section (VIII)(D) - Claims 9-16, 27-34, and 44-51 Are Patentable Over Any Reasonable Combination (If Any) of Sequeira, Bowman, Fu, Lindblad and Morris.

Regarding claims 9-16, 27-34, and 44-51 in general, the Examiner maintains her previous position that one of skill in the art at the time of the invention would have somehow been

motivated to further modify the alleged combination of *Sequeira*, *Bowman*, *Fu* and *Lindblad* with *Morris*. Specifically, the Examiner responds to Appellant's traversal arguments as follows (see pgs. 16-17):

> In reply to applicant's argument that Morris is a multimedia on demand system that is incompatible with the scheduling system disclosed by Sequeira, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference, nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F 2d 413, 208 USPQ 871 (CCPA 1981).

Again, the Examiner has misunderstood Appellant's arguments. Appellant is not arguing merely that one of ordinary skill could not have bodily incorporated the features of *Morris* into a *Sequeira*-type system (although the difficulty of such a modification is clearly apparent). Rather, Appellant points out that, while *Sequeira* is directed to a broadcasting scheduling system, *Morris* discloses an Internet-based access method that allows the remote use of a camera 300 by a client computer 120.

Accordingly, similarly to *Moskowitz* discussed above, *Morris* is an on-demand system that provides content to an end user upon request. This system is very different from the scheduling system disclosed by *Sequeira*, and would not be combined therewith for at least the reasons discussed above with respect to *Moskowitz*.

Appeal Brief Section (VIII)(D)(1) - Independent Claims 9, 27 and 44

Regarding claims 9, 27, and 44, the Examiner maintains that the alleged combination of *Sequeira*, *Bowman*, *Fu*, *Lindblad* and *Morris* teaches or suggests the control of multimedia devices where "information input by the user includes encoding operation information indicative of a selected server and a corresponding selected multimedia device, and wherein said

commands and associated parameters include an encoding command and associated encoding parameters for instructing said selected server to encode media data received from said selected media device." More specifically, the Examiner responds to Appellant's traversal arguments only by taking the position that (see pg. 17):

> Sequeira shows that a user can have multiple GUI's for scheduling at multiple respective media servers. The user specifies or selects one of a plurality of media servers by interacting with that particular media server's GUI. In one embodiment, multiple GUI's can be consolidated into a single master GUI, wherein details for each supported service are displayed as needed in order for user to select a particular media server that provides the service. Each service can have a specifically tailored data model for adding and manipulating events (see Sequeira col. 6 lines 41- col. 7 line 27, and fig. 3a-3c).

Appellant respectfully submits that the Examiner is incorrect. As discussed above, *Sequiera* does not disclose any ability to access specific media servers. Rather, *Sequeira* only discloses that individual GUIs can be provided for each service of *Sequeira*. Further, as the Examiner seems to concede, *Bowman*, *Fu* and *Lindblad* (alone or in combination) are also silent regarding this feature. Lastly, *Morris* is also silent in this regard, as the user at a client computer 120 merely is allowed to access and view the camera 300, not to select a specific server.

Additionally, as discussed above in relation to claim 6, *Sequeira*, *Bowman, Fu* and *Lindblad* all fail to teach or suggest any ability to encode media data. Additionally, it is clear that *Morris* also fails to teach or suggest such a feature, as *Morris* does not teach or suggest any ability to control any encoding functions of the camera.

Appeal Brief Section (VIII)(D)(2) - Independent Claims 10, 28 and 45

Regarding claims 10, 28, and 45, the Examiner maintains that the alleged combination of *Sequeira*, *Bowman*, *Fu*, *Lindblad* and *Morris* does, in fact, somehow teach or suggest "displaying scheduled encoding interface components enabling the user to select a start time and a start date

for a scheduled encoding operation." More specifically, the Examiner responds to Appellant's traversal arguments only by taking the position that (see pg. 18):

> In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references." See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In reply Lindblad shows the encoding of media data from video server 250 (col. 8 lines 1-9, col. 6 lines 25-29).

Appellant respectfully submits that the Examiner is incorrect. As an initial matter, Appellant has not attacked the references individually. Rather, the Appellant has simply explained that the each of the applied references fail to teach or suggest a specifically claimed feature. Since all of the references are silent on this feature, the resultant combination must also be silent.

Further, the Examiner's allegation that *Lindblad* discloses encoding is incorrect, for at least the reasons discussed above with respect to claim 6 (*i.e.*, the disclosure of the use of encoded data fails to teach or suggest any specific ability for the applied references to encode that data, or to display encoding interface components).

Additionally, as the Examiner seems to concede, the remaining references, *Sequiera*, *Bowman*, *Fu* and *Morris* also fail to teach or suggest any "encoding" operation.

Additionally, even if *Lindblad* could be read as the Examiner alleges, the proffered combination would still fail to teach or suggest the scheduling of any "encoding" operation. Specifically, *Lindblad* (and *Morris*) discloses on-demand systems. On-demand systems, by their very nature, do not utilize scheduling.

Appeal Brief Section (VIII)(D)(3) - Independent Claims 11, 29 and 46

Regarding claims 11, 29, and 46, the Examiner maintains that the alleged combination of *Sequeira*, *Bowman*, *Fu*, *Lindblad* and *Morris* does, in fact, somehow teach or suggest "displaying duration interface components enabling the user to select from time duration specification options including, a first option of selecting a scheduled stop date and stop time for terminating said encoding operation, and a second option of selecting a time duration for which said scheduled encoding operation is to continue following said selected start time on said selected start date." More specifically, the Examiner responds to Appellant's traversal arguments only by taking the position that (see pg. 18):

> Sequeira shows that a user can have multiple GUI's for scheduling at multiple respective media servers. The user specifies or selects one of a plurality of media servers by interacting with that particular media server's GUI. In one embodiment, multiple GUI's can be consolidated into a single master GUI, wherein details for each supported service are displayed as needed in order for user to select a particular media server that provides the service. Each service can have a specifically tailored data model for adding and manipulating events (see Sequeira col. 6 lines 41- col. 7 line 27, and fig. 3a-3c).

Appellant respectfully submits that the Examiner is incorrect. As discussed in several of the sections above, *Sequeira* (alone or in combination with the remaining applied references) fails to teach or suggest any ability to directly select or act on any individual server, or any multimedia device connected to that server.

Appeal Brief Section (VIII)(D)(4) - Independent Claims 12, 30 and 47

Regarding claims 12, 30 and 47, the Examiner maintains that the alleged combination of *Sequeira*, *Bowman*, *Fu*, *Lindblad* and *Morris* teaches or suggests "displaying a record-to selection interface component enabling the user to select a storage location from a list of available storage locations including predetermined mapped ones of at least one memory device

associated with said selected server." The Examiner responds to Appellant's traversal arguments by again taking the position that (see pg. 19):

> Sequeira shows that a user can have multiple GUI's for scheduling at multiple respective media servers. The user specifies or selects one of a plurality of media servers by interacting with that particular media server's GUI. In one embodiment, multiple GUI's can be consolidated into a single master GUI, wherein details for each supported service are displayed as needed in order for user to select a particular media server that provides the service. Each service can have a specifically tailored data model for adding and manipulating events (see Sequeira col. 6 lines 41- col. 7 line 27, and fig. 3a-3c).

Appellant respectfully submits that the Examiner is incorrect. As noted throughout the sections above, *Sequeira* fails to teach or suggest any ability to directly select or act on any individual server, or any multimedia device connected to that server.

Additionally, Appellant respectfully submits that the applied references fail to teach or suggest any ability to record data. Specifically, *Sequeira* is silent with respect to any ability to record any data, as it is only directed to broadcasting scheduling, and *Morris* fails to teach or suggest any particular ability to record data, as it is a real time system that allows viewing of a functioning camera. *Bowman*, *Fu*, and *Lindblad* are equally silent regarding such features.

Appeal Brief Section (VIII)(D)(5) - Independent Claims 13, 31 and 48

Regarding claims 13, 31 and 48, the Examiner has not specifically responded to Appellant's argument that the applied references fail to teach or suggest the steps of "displaying playback destination selection interface components enabling the user to select at least one of the end user terminals as a destination for streaming said encoded portion of media data."

In any event, Appellant respectfully submits that *Sequeira* is completely silent with respect to specifically selecting a particular destination for streaming encoded media data. *Morris* fails to provide any ability to select among multiple destinations to which the data is

always transmitted, as the requestor is a single destination. *Bowman*, *Fu*, and *Lindblad* are equally silent regarding such features.

Appeal Brief Section (VIII)(D)(6) - Independent Claims 14, 32 and 49

Regarding claims 14, 32, and 49, the Examiner maintains that the alleged combination of *Sequeira*, *Bowman*, *Fu*, *Lindblad* and *Morris* teaches or suggests "a first group of components enabling the user to select a start time and a start date for said play-back schedule; and a second group of components enabling the user to select from a plurality of options for specifying a play-back schedule duration." The Examiner responds to Appellant's traversal arguments by again taking the position that (see pg. 19):

> In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., ability to obtain and then output real time multimedia files) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181. 26 USPQ2d 1057 (Fed. Cir. 1993).

Appellant respectfully submits that the Examiner is incorrect. Appellant did not indicate that the ability discusses was recited verbatim in claims 14, 32, and 49. Rather, Appellant argued that *Sequeira* fails to teach or suggest even the most basic function recited in these claims. To be more specific, it is clear that *Sequeira* fails to teach or suggest and ability to "select a start time and a start date for said play-back schedule" and "select from a plurality of options for specifying a play-back schedule duration."

Specifically, *Sequeira* fails to teach or suggest the flexibility of a plurality of options for play back duration. *Morris*, as discussed above, is directed to real time playback, and thus also fails to teach or suggest such features. *Bowman*, *Fu*, and *Lindblad* are equally silent regarding such features.

Appeal Brief Section (VIII)(D)(7) - Independent Claims 15, 33 and 50

Regarding claims 15, 33, and 50, the Examiner maintains that the alleged combination of *Sequeira*, *Bowman*, *Fu*, *Lindblad* and *Morris* teaches or suggests "a first option of specifying a loop count value for repeating the streaming of said stored portion of media data a number of times equal to the loop count value; a second option of specifying a repeat schedule wherein said streaming of said stored portion of media data is repeated until the stored portion of media data is removed from a schedule list; and a third option of specifying an interval schedule wherein said streaming of said stored portion of media data is performed in accordance with a user defined schedule." The Examiner responds to Appellant's traversal arguments by taking the position that (see pg. 20) "Lindblad shows loop count value for repeating the streamed sorted media until scheduling removal and specifying an interval schedule (col. 8 lines 1-9)."

Appellant respectfully submits that the Examiner is incorrect. Lindblad only discloses the use of a module "loop" in the cited section. *Lindblad* fails to teach or suggest repeating stored data until scheduled removal (the "second option"), or of specifying an interval schedule (the "third option"). Further, as the Examiner seems to concede, *Sequeira, Bowman*, *Fu* and *Morris* all fail to teach or suggest any ability to provide a repeating schedule for any particular media.

Appeal Brief Section (VIII)(D)(8) - Independent Claims 16, 34 and 51

Regarding claims 16, 34, and 51, the Examiner maintains that the alleged combination of *Sequeira*, *Bowman*, *Fu*, *Lindblad* and *Morris* teaches or suggests that "operations further include notification operations associated with corresponding ones of the playback operations, said notification operations for sending notification messages to selected network addresses

associated with selected ones of the end user terminals and the administrator terminal." The Examiner responds to Appellant's traversal arguments by taking the position that (see pg. 20) *Sequeira* "shows an event notification message "installed" or "executing" (col. 9 lines 33-42)."

Appellant respectfully submits that the Examiner is incorrect. The portion of *Sequeira* cited by the Examiner is related to internal code notifications, not notifications sent to end user terminals. *Bowman*, *Fu* and *Morris* are all silent regarding such features.

Appeal Brief Section (VIII)(E) - Claims 17, 18, 35, 36, 52, and 53 Are Patentable Over Any Reasonable Combination (If Any) of Sequeira, Bowman, Fu and Monterio.

Appeal Brief Section (VIII)(E)(1) - Independent Claims 17, 35, and 52

Regarding claims 17, 35, and 52, the Examiner maintains that the alleged combination of *Sequeira*, *Bowman*, *Fu*, and *Monterio* teaches or suggests "displaying multicasting destination selection interface components enabling the user to select at least one of the end user terminals as a destination for multicasting said selected portion of media data in accordance with a user defined multicasting schedule; [and] displaying multicasting schedule interface components enabling the user to define a multicasting schedule." The Examiner responds to Appellant's traversal arguments by taking the position that (see pg. 20):

> In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413. 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).Although Sequeira in view of Bowman and in further view of Fu, show substantial features of the claimed invention Sequeira in view of Bowman and in further view of Fu, do not show displaying multicasting destination interface information. Nonetheless this feature is well known and would have been an obvious modification to the system disclosed by Sequeira in view of Bowman and in further view of Fu, as evidenced by Monteiro et al. In an analogous art, Monteiro shows multicasting of media data and display of selections for multicast broadcasts (col. 16 lines 20- col. 17 line 30) Given the teachings of Monteiro a person of ordinary skill in the art

> would have readily recognized the desirability and advantages of modifying Sequeira in view of Bowman and in further view of Fu, by using a display for multicasting media data to a plurality of users at the same time in order carryout multi-party conferencing of data and images.

As an initial matter, Appellant respectfully submits that the references were not attacked individually. Rather, Appellant clearly indicated that none of the applied references teach or suggest any ability to define multicasting destinations.

Further, the cited portion of Monteiro relied upon by the Examiner fails to support her rejection, as it only discloses that multicasting is controlled by the end-user, who requests that content be delivered to his computer. There is no teaching or suggestion that it is possible to define a multicasting schedule to other end-users.

Appeal Brief Section (VIII)(E)(2) - Independent Claims 18, 36 and 53

Regarding claims 18, 36, and 53, the Examiner maintains that the alleged combination of *Sequeira*, *Bowman*, *Fu*, and *Monterio* teaches or suggests "a first group of components enabling the user to select a start time and a start date for a multicasting schedule; and a second group of components enabling the user to select from a plurality of options for specifying a multicasting schedule duration." More specifically, the Examiner responds to Appellant's traversal arguments by taking the position that (see pg. 21):

> in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references." See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981) and *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Monteiro shows multicasting of media data and display of selections for multicast broadcasts (col. 16 lines 20- col. 17 line 30)

Appellant respectfully submits that *Sequeira* fails to teach or suggest any ability to define a multicast destination, as discussed above, and that *Bowman*, *Fu* and *Monterio* are all silent regarding such features.

CONCLUSION

For the above reasons as well as the reasons set forth in Appellant's Brief on Appeal, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted,

Timothy P. Cremen
Registration No. 50,855

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

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